

Rule 992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: http://www.dc.state.fl.us/pub/sen_cpcm/index.html

1. DATE OF SENTENCE 5/7/13	2. PREPARER'S NAME M. Diane Checchio	3. COUNTY SEMINOLE	4. SENTENCING JUDGE Marlene Alva	
5. NAME (LAST, FIRST, M.I.) Graham, Brian V.	6. DOB 06/28/1987	8. RACE BLACK	10. PRIMARY OFF. DATE 07/13/2012	12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/>
	7. DC #	9. GENDER Male	11. PRIMARY DOCKET # 2012CF2102 A	

I. PRIMARY OFFENSE:

FELONY DEGREE	F.S.#	DESCRIPTION	CLERK OF CIRCUIT COURT SANFORD, FL	OFFENSE LEVEL	POINTS
<u>2</u>	<u>810.02(3)(b)</u>	<u>Burglary of a Dwelling</u>		<u>7</u>	

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony triples Primary Offense points ☐

II. ADDITIONAL OFFENSE(S): Supplemental page attached ☒

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MARYANNE MORSE

I. 56

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
2012CF2102	2	810.02 (3)(b)	7		7	28	196

DESCRIPTION: Burglary of a Dwelling

2012CF2102	3	812.014(4)(c) 2	3		3	2.4	7.2
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DESCRIPTION: Grand Theft (5K or more)

2012CF2102	3	812.014(2)(c) 5	4		34	3.6	122.4
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DESCRIPTION: Grand Theft firearm

2012CF2102	3	812.014(2)(c) 1	2		1	1.2	1.2
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DESCRIPTION: Grand Theft (300 or more)

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony triples Additional Offense points ☐

Supplemental page points 42

II. 368.8

III. VICTIM INJURY:

	Number	Total		Number	Total
2nd Degree Murder	240 X	= 0	Slight	4 X	= 0
Death	120 X	= 0	Sex Penetration	80 X	= 0
Severe	40 X	= 0	Sex Contact	40 X	= 0
Moderate	18 X	= 0			

III. 0

IV. PRIOR RECORD: Supplemental page attached ☒

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
M		M		DWLS	5	X 0.2	= 1
M		M		Resisting without violence	1	X 0.2	= 0.2
3	812.014(2)(c)6	4		Grand theft motor vehicle	2	X 2.4	= 4.8
3	322.34(5)	1		DWLS	2	X 0.5	= 1
M		M		no valid DL	2	X 0.2	= 0.4
3	316.1935	3		Fleeing and attempting to elude	2	X 1.6	= 3.2
M		M		poss of cannabis	1	X 0.2	= 0.2
M	901.36	M		providing false id	1	X 0.2	= 0.2
M	870.01	M		Affray	1	X 0.2	= 0.2

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points 9.6

IV. 20.8

CC: Probation

Page 1 Subtotal: 445.6

NAME (LAST, FIRST, MI) Graham, Brian V.	DOCKET # 2012CF2102
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Page 1 Subtotal: 445.6

V. Legal Status Violation = 4 Points

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or diversion program
☐ Court imposed post prison release community supervision resulting in a conviction

V. _____

VI. Community Sanction violation before the court for sentencing

- ☐ Probation ☐ Community Control ☐ Pretrial Intervention or diversion

VI. _____

- ☐ 6 points for any violation other than new felony conviction x _____ each successive violation OR
☐ New felony conviction = 12 points x _____ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR
☐ 12 points x _____ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR
☐ New felony conviction = 24 points x _____ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points

VII. _____

VIII. Prior Serious Felony = 30 points

VIII. _____

Subtotal Sentence Points 445.6

IX. Enhancements (only if the primary offense qualifies for enhancement)

Law Enf. Protect.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)
<input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5

Enhanced Subtotal Sentence Points IX. 0

TOTAL SENTENCE POINTS 445.6

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{445.6}{\text{total sentence points}} \text{ minus } 28 = 418 \times .75 = \underline{313.2} \text{ lowest permissible prison sentence in months}$$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If the total sentence points are greater than or equal to 363, a life sentence may be imposed.

350
maximum sentence in years

TOTAL SENTENCE IMPOSED

<input checked="" type="checkbox"/> State Prison <input type="checkbox"/> County Jail <input type="checkbox"/> Community Control <input type="checkbox"/> Probation <input type="checkbox"/> Modified	<input type="checkbox"/> Life <input type="checkbox"/> Time Served	Years <u>17</u> _____ _____ _____	Months _____ _____ _____	Days _____ _____ _____
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Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison releasee reoffender, or a ☐ mandatory minimum applies.

☐ Mitigated Departure ☒ Plea Bargain ☐ Prison Diversion Program
 Other Reason _____

JUDGE'S SIGNATURE

STIP. Downward DEPARTMENT

Rule 3.99 Supplemental Criminal Punishment Code Scoresheet

NAME (LAST, FIRST, MI) Graham, Brian V.	DOCKET # 2012CF2102	Date of Sentence
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II. ADDITIONAL OFFENSE(S):

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY	COUNTS	POINTS	TOTAL
2012CF2102	2	812.014(2)(b))1	6		2	18	36

DESCRIPTION: Grand theft (20K or more)

2012CF2102	3	812.014(2)(c))3	4		1	3.6	3.6
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DESCRIPTION: Grand Theft (10K or more)

2012CF2102	3	810.02(3)(b)	3		1	2.4	2.4
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DESCRIPTION: Conspiracy to Commit Burglary of a Dwelling

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. 42

IV. PRIOR RECORD:

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
M		M		Battery	1	X 0.2	= 0.2
3	784.041	6		Felony Battery	1	X 9	= 9
M		M		Petit theft	1	X 0.2	= 0.2
M	790.15	M		Discharging a firearm in public	1	X 0.2	= 0.2

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. 9.6

Reasons for Departure - Mitigating Circumstances

(reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain.
- ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
- ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.
- ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.
- ☐ The defendant acted under extreme duress or under the domination of another person.
- ☐ Before the identity of the defendant was determined, the victim was substantially compensated.
- ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
- ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
- ☐ The defendant is to be sentenced as a youthful offender.
- ☐ The defendant is amenable to the services of a postadjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s.921.0026(2)(m).